

EXHIBIT G

From: [Ben Barnett](#)
To: [Jacob, Greg](#); [Caleb Seeley](#); [Garagiola, Meredith N.](#); [Dion Kekatos](#); [McDonnell, Kelly](#); [McKeen, Elizabeth L.](#); [Falcone, Katie](#); [Le, Jonathan C.](#); [Brad Bradford](#); [Dion Kekatos](#); [Alexandra Arteaga](#)
Cc: [Samuel Katz](#); [Julia Damron](#); [Hillary Fidler](#); [Nikki Guntner](#); [Doug Kreis](#); [BAylstock@awkolaw.com](#); [Chris Seeger](#); [Jason S. Rathod \(jrathod@classlawdc.com\)](#)
Subject: RE: Notice and Request under DMD Local Rule 105.9
Date: Wednesday, December 25, 2024 1:50:46 PM

Greg –

The timing of our response was the result of Meredith's request that we get back to you before December 25th. We fully understand that many people are away from work between now and the New Year. If you don't want Dr. Garmoe, Mr. Miller, Ms. Williams, and Mr. Reynolds to be deposed then the easiest solution is to withdraw their Declarations in support of Defendants' filings. Otherwise, we do have a right to examine them including on the evidence they have now put before the Court. We will obviously work with you regarding deposition dates but they must be within the current schedule set by Judge Rubin. Your complaint about pre-holiday motions rings a bit hollow given that Defendants filed three separate motions for summary judgment the week before Thanksgiving even though the deadline for dispositive motions is roughly six months from now.

In any event, hope you and your family enjoyed the Nativity on Monday and that you and your colleagues have enjoyable and relaxing holidays.

Regards.

Ben

From: Jacob, Greg <gjacob@omm.com>
Sent: Wednesday, December 25, 2024 8:44 AM
To: Caleb Seeley <cseeley@seegerweiss.com>; Garagiola, Meredith N. <mgaragiola@omm.com>; Dion Kekatos <DKekatos@seegerweiss.com>; McDonnell, Kelly <kmcdonnell@omm.com>; McKeen, Elizabeth L. <emckeen@omm.com>; Falcone, Katie <kfalcone@omm.com>; Le, Jonathan C. <jle@omm.com>; Brad Bradford <BBradford@awkolaw.com>; Dion Kekatos <DKekatos@seegerweiss.com>; Alexandra Arteaga <AArteaga@SeegerWeiss.com>
Cc: Ben Barnett <BBarnett@SeegerWeiss.com>; Samuel Katz <samkatz@athlawllp.com>; Julia Damron <julia@athlawllp.com>; Hillary Fidler <HFidler@SeegerWeiss.com>; Nikki Guntner <NGuntner@awkolaw.com>; Doug Kreis <DKreis@awkolaw.com>; BAylstock@awkolaw.com; Chris Seeger <CSeeger@seegerweiss.com>; Jason S. Rathod (jrathod@classlawdc.com) <jrathod@classlawdc.com>
Subject: RE: Notice and Request under DMD Local Rule 105.9

Ben,

Thank you for the confirmation on the deposition dates. Both sides have made clear their positions on redepositions, and the Court will need to sort that out in the event those are later sought.

As I'm sure is unsurprising to you, we are not going to be able to confer with our client on your request for additional depositions in the timeframe that you specify, which no one would consider to be

reasonable, but is consistent with the recent pattern of new motions and new demands before every major holiday. We'll get back to you after we have been able to convene with our client. If you do serve notices in five days, as you suggest, we will move for a protective order and seek associated fees.

A very merry (and hopefully litigation free) holiday, Christmas or otherwise, to all. And please do include me on future communications.

Greg

Gregory F. Jacob

gjacob@omm.com

O: +1-202-383-5110

O'Melveny

O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
[Website](#) | [LinkedIn](#) |
[Twitter](#)

From: Ben Barnett <BBarnett@SeegerWeiss.com>

Sent: Tuesday, December 24, 2024 12:05:57 PM

To: Garagiola, Meredith N. <mgaragiola@omm.com>; McKeen, Elizabeth L. <emckeen@omm.com>; Falcone, Katie <kfalcone@omm.com>; McDonnell, Kelly <kmcdonnell@omm.com>; Le, Jonathan C. <jle@omm.com>

Cc: Samuel Katz <samkatz@athlawllp.com>; Julia Damron <julia@athlawllp.com>; BAylstock@awkolaw.com <BAylstock@awkolaw.com>; Brad Bradford <BBradford@awkolaw.com>; Doug Kreis <DKreis@awkolaw.com>; Nikki Guntner <NGuntner@awkolaw.com>; Dion Kekatos <DKekatos@seegerweiss.com>; Caleb Seeley <cseeley@seegerweiss.com>; Hillary Fidler <HFidler@SeegerWeiss.com>; Alexandra Arteaga <AArteaga@SeegerWeiss.com>

Subject: RE: Notice and Request under DMD Local Rule 105.9

Meredith –

Per your request, we confirm that we plan to depose Mr. Vincent in person on January 9th in Washington, D.C. and Mr. Smith in person on January 10th in Arlington, TX. We would prefer to depose Dr. Lasaster in person on January 10th in New York City. We understand from our meet-and-confer discussion yesterday that because of counsel scheduling issues the

deposition of Dr. Lasaster will need to be conducted remotely. We are willing proceed with a remote deposition with the understanding that if schedules change the Lasaster deposition will be conducted in person. Please note that we are proceeding with these depositions while reserving all rights to leave open their depositions or recall the witness(es) for additional examination later, particularly after resolution of pending or future discovery disputes by the Court or agreement.

We also intend to serve deposition notices for Dr. Garmoe, Mr. Miller, and Plan advisors Ms. Williams and Mr. Reynolds. Since you criticized us in a recent court filing for unilaterally noticing the three depositions referenced above, please let us know within five days when and where these witnesses will be made available for deposition. Please also let us know if you will accept service of behalf of Dr. Garmoe. Absent a response from you, we will go ahead and serve our Notices. Liz indicated in her December 18th letter that Defendants will oppose any efforts to depose any individuals beyond Mr. Vincent, Mr. Smith, and Dr. Lasater. That is indefensible and unacceptable. Defendants cannot have it both ways – proffering testimony from these witnesses to oppose our motion to compel (Garmoe) and to both affirmatively move for summary judgment and oppose class certification (Miller, Williams, and Reynolds) while denying us the opportunity to examine them. These depositions will be taken under the same full reservation of rights set out above to leave open or recall these deponents later.

Thank you and best holiday wishes to you and your colleagues.

Ben